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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,124	06/01/2001	Rudolf Ritter	P-281272/150	9808

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EXAMINER

PEREZ, JULIO R

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/857,124	Applicant(s) RITTER, RUDOLF	
	Examiner Julio R. Perez	Art Unit 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-18,20-25,27-32,38-51,56,57,59 and 64-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-18,20-25,27-32,38-51,56,57,59 and 64-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments with respect to claims 15-18, 20-25, 27-32, 38-51, 56-57, 59, 64-68 have been considered but are moot in view of the new ground(s) of rejection.

**DETAILED ACTION**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 15-16, 18, 20-23, 25, 27-32, 38-39, 41-47, 49, 56-57, 59, 64-68, are rejected under 35 U.S.C. 102(e) as being anticipated by Ludwig U.S. Patent 6256498.

Regarding claims 15, 22, Ludwig discloses a mobile device and a method for using the mobile device, comprising: a receiver configured to receive programs and program-accompanying digital data (col. 3, lines 36-39), wherein the programs include at least one of audio data and video data, and the program-accompanying digital data includes location parameters (col. 3, lines 36-46, 62-67); a position locating module configured to determine a current geographic position of the mobile device (col. 3, lines 48-67, the mobile device may get its location or position); a filter module configured to filter location-specific information from the program-accompanying digital data based at least on the location parameters and the current geographic position (col. 3, lines 40-43;

col. 4, lines 16-32); and a communications module configured to transmit the location-specific information from the mobile device to a service center (col. 4, lines 20-32).

Claims 16, 23, Ludwig discloses, wherein the position-locating module includes a satellite-based positioning system or a terrestrial positioning system (col. 3, lines 48-53).

Regarding Claims 18 and 25, Ludwig discloses the mobile device, a display configured to receive and display the location-specific information; and operating elements configured to allow selecting and editing of the location-specific information (Figures 3-4).

Regarding Claims 20 and 27, Ludwig discloses the mobile device, wherein the location-specific information includes an URL address (col. 2, lines 55-59), and the communications module is further configured to activate a resource in the Internet based on the URL address (col. 2, lines 55-59; col. 4, lines 20-32).

Regarding Claims 21 and 28, Ludwig discloses the mobile device, further comprising a processing module configured to execute program data files contained in the location-specific information (col. 4, lines 38-47).

Regarding Claims 29 and 31, Ludwig discloses the mobile device, wherein the filter module is configured to: determine if a difference between the location parameters and the current geographic position is within a predefined range (col. 3, lines 48-67), and filter the location-specific information from the program-accompanying digital data when the difference between the location parameters and the current geographic position is within the predefined range (col. 3, lines 48-67).

Regarding Claims 30 and 32, Ludwig discloses the mobile device, wherein the position-locating module is configured to obtain position indications from a mobile network (col. 3, lines 48-53; col. 7, lines 37-58).

Regarding Claims 38 and 39, Ludwig discloses the mobile, wherein the programs include radio programs (col. 7, lines 17-28).

Regarding Claims 41, 56, Ludwig discloses the mobile device, wherein the communications module is configured to transmit the data from the mobile device in accordance with a short message protocol (col. 2, lines 47-59).

Regarding Claims 42, 45, Ludwig discloses the mobile device, wherein the program data files include a Java applet (col. 2, lines 47-59; col. 4, lines 20-32, Web pages are typically written in hyper-text mark-up language, which contain several forms of embedded interactive links, and are normally written with the aid of Java code).

Regarding Claims 43, 57, Ludwig discloses, a data storage medium into the mobile device, the data storage medium including user information, wherein filtering is further based on the user profile (col. 3, lines 47-53).

Regarding Claims 44, 47, 59, 65, 67, Ludwig discloses, the transmitting includes transmitting a request for at least one of a product, a service, or additional information associated with at least one of the programs (col. 3, lines 62-67; col. 4, lines 20-32).

Regarding Claim 46, Ludwig discloses, wherein the processor is further configured to: transmit data from the mobile device based on the comparison between the location parameters and the current geographic position (col. 3, lines 47-67).

Regarding Claims 49, 64, Ludwig discloses, the portable housing is configured as one of a mobile telephone housing, a handheld computer housing, or a portable computer housing (col. 2, line 57; col. 7, line13).

Regarding Claims 66, 68, Ludwig discloses, further comprising: a processing module configured to, compare the location parameters of the program-accompanying digital data to the current geographic position, and selectively display the program-accompanying digital data based on a comparison between the location parameters and the current geographic position (col. 3, lines 48-67; Figures 3-4).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 17, 24, 51, rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig in view of Park (5627549).

Claim 17, 24, Ludwig discloses the limitations of claim 1 and 22.

However, Ludwig does not explicitly disclose discloses the mobile device, comprising a memory module configured to store a user profile wherein the filter module is configured to receive the user profile and to filter the location-specific information from the program-accompanying digital data based on the user profile.

Park teaches information device providing capability to create user-customized database in relation points of interests as related to the user's particular interest (col. 4, lines 35-57; col. 6, lines 41-67; col. 7, lines 1-11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the system as taught by Ludwig with the teachings of Park in order to render a user with accurate and efficient delivery of enhanced services to the mobile units in accordance to his preference.

Regarding Claim 51, the combination of Ludwig and Park discloses the mobile device, a headphone jack configured to output an audio portion of the programs (Park, Fig.3).

6. Claims 40, 48, 50, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig (6256498) and Park (5627549) further in view of Lyons (6282412).

Regarding Claims 40, 48, 50, the combination of Ludwig and Park does not explicitly disclose the mobile device, wherein the memory module includes a removable chip-card.

However, in a similar field of endeavor, Lyons discloses a wireless portable receiver system and method for transmitting requests to a broadcasts server. Lyons further discloses means to communicate to store information within a removable card (col. 2, lines 33-44; Fig.1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the system as taught by Ludwig and Park

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with the teachings of Lyons in order to render a user with mechanisms of removable memory card in order to have other means for storing services such as user's profile.

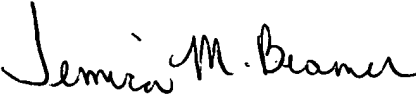
**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R. Perez whose telephone number is (571) 272-7846. The examiner can normally be reached on 7:00 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272- 4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Julio Perez  
12/5/05

  
TEMICA BEAMER  
PRIMARY EXAMINER  
12/8/05